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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,427	09/25/2003	Hiroshi Tanaka	FJ-2003-014-US	2414
21254 7590 08/14/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
NEGRON, WANDA M				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
08/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,427

Applicant(s)

TANAKA ET AL.

Examiner

WANDA M. NEGRON

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6 and 8-16 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 7 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the plurality of images" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Any claim not specifically addressed above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oie (US Patent No. 6,188,431 B1).

Regarding **claim 1**, Oie discloses an image communication apparatus (1b or slave camera) capable of communicating with a plurality of image communication apparatuses, interpreted as capable of communicating with different master cameras

(1a) one at a time, in a server-client system, the server and the client corresponding to the master and the slave in figure 6, comprising an image display device (6) which displays a recorded image, and a selection device which selects an image to be transmitted to another image communication apparatus from among images displayed on the image display device, said selection device interpreted as the plus/minus keys (11, 12) used to select and display the image of interest (see col. 6, lines 54-60). Oie also discloses a transmission device (69 connected to 45 for wired transmission, 145 for wireless transmission) which transmits to one of the plurality of image communication apparatuses, i.e. the camera operating as a master camera 1a at any given time, the image selected (*Image Data* element in figure 6) by the selection device when a request to send the image (*Reception Code RC* element in figure 6) is received from a respective one of said one or more image communication apparatuses, interpreted as the master side in reception mode (see figure 6), wherein when images are transmitted to the plurality of image communication apparatuses of a receiving side, an image different in every image communication apparatus of the receiving side is transmittable to the plurality of image communication apparatuses in accordance with the request of the image communication apparatus of the receiving side (*i.e.*, each camera acting as a master would receive a different image whenever the selection of an image to be transmitted to another image communication apparatus from among images displayed on the image display device changes).

Regarding **claim 2**, Oie discloses that the image communication apparatus comprises a digital camera (1a).

Regarding **claim 7**, Oie discloses that the plurality of image communication apparatuses comprise wireless communication devices (see col. 7, lines 31-50).

Regarding **claim 17**, Oie discloses that the image communication apparatus communicates with said plurality of image communication apparatuses through a server (*i.e.*, “slave” camera 1b accepts connections in order to service image requests by sending back image data; see figure 6).

Regarding **claim 18**, Oie discloses that the image communication device is capable of receiving images and transmitting images (see col. 6, lines 7-16).

Response to Arguments

Applicant's arguments filed on 5/15/2008 have been fully considered but they are not persuasive.

Applicant assert on page 8 that Oie does not teach the newly added limitation “wherein when images are transmitted to the plurality of image communication apparatuses of a receiving side, an image different in every image communication apparatus of the receiving side is transmittable to the plurality of image communication apparatuses in accordance with the request of the image communication apparatus of

the receiving side". The examiner respectfully disagrees. Oie discloses selecting an image to be transmitted to another image communication apparatus from among images displayed on the image display device, said selection device interpreted as the plus/minus keys (11, 12) used to select and display the image of interest (see col. 6, lines 54-60). Therefore, whenever said image selection changes, "an image different in every image communication apparatus of the receiving side is transmittable to the plurality of image communication apparatuses in accordance with the request of the image communication apparatus of the receiving side".

Allowable Subject Matter

Claims 3-6 and 8-16 were previously allowed. Please refer to Office action mailed on 12/28/2007 for reasons for allowance.

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622
August 5, 2008

/David L. Ometz/

Supervisory Patent Examiner, Art
Unit 2622